

SENATE BILL 2751

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 34; Title 8, Chapter 35 and Title 8, Chapter 36, relative to retirement of campus security officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-101, is amended by inserting the following language as a new, appropriately numbered subsection:

() "Campus security officer" means a member in the employ of the university of Tennessee system or the state university and community college system, who works for a campus security department or agency; who is properly trained, commissioned and qualified as a security officer under § 49-7-118, and the policies established pursuant thereto; and who is actively engaged in campus security work for the university system;

SECTION 2. Tennessee Code Annotated, Section 8-36-205(a), is amended by adding the following language as a new, appropriately designated subdivision:

(4) A mandatory age requirement shall also apply for members who are employed as campus security officers by the university of Tennessee system or the state university and community college system, or who have been transferred from such a position to a supervisory or administrative position within the campus security department or agency; provided the board of trustees of the university of Tennessee system or the board of regents of the state university and community college system has adopted a mandatory retirement age requirement pursuant to this subdivision (a)(4), and provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the university of Tennessee system or the state university and community college system shall determine whether the member is employed in a position requiring the mandatory retirement of such

member under the provisions of this subdivision (a)(4). In making any such determination, the university system shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act. The board of trustees of the university of Tennessee system or the board of regents of the state university and community college system may establish a mandatory retirement age requirement for all its campus security officers and for all its campus security officers who have been transferred from that position to a supervisory or administrative position within the campus security department or agency; provided that:

(A) The terms and conditions of the requirement shall be the same for all such security officers within its employ;

(B) The mandatory age requirement shall not be less than sixty (60) years of age;

(C) Each such security officer shall be retired on the first day of the month following the month in which the security officer attains the age requirement established by the university system;

(D) If the mandatory age requirement established by the board of trustees of the university of Tennessee system or the board of regents of the state university and community college system is less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act (42 U.S.C. 401-425), each such officer shall be entitled to the supplemental bridge benefit established pursuant to § 8-36-211; and

(E) The board of trustees of the university of Tennessee system or the board of regents of the state university and community college system adopts a resolution authorizing the establishment of the mandatory retirement age requirement. If the mandatory age requirement established by the board is less

than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act, then the university system must first authorize and pay for the cost of an actuarial study to determine the liability associated with the granting of the supplemental bridge benefit. All costs associated with providing the supplemental benefit shall be paid by the university system and not by the state.

Notwithstanding any provision of this section to the contrary, any member employed in a position requiring mandatory retirement under the provisions of this subdivision (a)(4) shall be retired on the first day of the month following the month in which the member attains the age requirement established by the board of trustees of the university of Tennessee system or the board of regents of the state university and community college system under this subdivision (a)(4), unless the university system determines that such member serves in a supervisory or administrative position which requires less than fifty percent (50%) of the officer's duties to be involved in day-to-day campus security activities. Upon such determination by the university system, the member may continue in service until the first day of the month following the month in which the member reaches the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act (42 U.S.C. 401-425); provided, that such member signs a consent form whereon the member acknowledges that by continuing in service the member forfeits any rights to retirement benefits, including the supplemental bridge benefit provided for in § 8-36-211, during the period of the member's continued service. Such form must be filed with the retirement division on or before the first day of the month prior to the month in which the member attains the age requirement established by the university system under this subdivision (a)(4). Any such member who fails to file the form at the time and in the manner prescribed by this

subdivision (a)(4) shall be retired on the first day of the month following the month in which the member attains the age requirement established by the system under this subdivision (a)(4).

SECTION 3.

(a) Tennessee Code Annotated, Section 8-36-211(b), is amended by deleting the language "§ 8-36-205(a)(2)", wherever such language appears, and by substituting instead the following:

§ 8-36-205(a)(2) or § 8-36-205(a)(4)

(b) Tennessee Code Annotated, Section 8-36-211(b), is further amended by deleting the language "the political subdivision", wherever such language appears, and by substituting instead the following:

the political subdivision or the university system

SECTION 4.

(a) Tennessee Code Annotated, Section 8-36-211(f), is amended by deleting the language "§ 8-36-205(a)(2)" wherever such language appears and by substituting instead the following:

§ 8-36-205(a)(2) or § 8-36-205(a)(4)

(b) Tennessee Code Annotated, Section 8-36-211(f), is further amended by deleting the language "the political subdivision", wherever such language appear, and by substituting instead the following:

the political subdivision or the university system

SECTION 5. Tennessee Code Annotated, Section 8-36-211(h), is amended by deleting the language "respective state agencies and political subdivisions" and by substituting instead the following:

respective state agencies, political subdivisions and university systems

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2008, the public welfare requiring it.